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SIPDIS

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SUBJECT: ETHIOPIAN PM APPLAUDS U.S. SUDAN POLICY, TELLS S/E
KHARTOUM UNHAPPY WITH MBEKI REPORT

REF: STATE 109669

Classified By: CDA Roger A, Meece for Reasons 1.4 B/D.

¶1. (C) SUMMARY. Prime Minister Meles told visiting U.S. Special Envoy Scott Gration he was impressed with the revised U.S. policy on Sudan. Meles said previous U.S. policy cut off a soft landing whereas the new policy, if complemented with patience, could provide an opening for peace. Meles thought a revitalized U.S. involvement could include negotiating CPA implementation issues with Khartoum and persuading Juba to go along with any deal that resulted. Meles said Sudan is unhappy with the Mbeki Report to the African Union on Darfur, especially its recommendation that AU/Sudanese hybrid courts be created to deal with alleged war crimes. Acknowledging that the AU had endorsed the report, Meles said Sudan, nevertheless, could garner member state support for opposing the proposed courts. END SUMMARY.

¶2. (SBU) Special Envoy Scott Gration met with Ethiopian Prime Minister Meles Zenawi in Addis Ababa for 90 minutes on the evening of October 30. Meles was joined by advisor Gabratensae Gabramichael. The special envoy was joined by Deputy to the Special Envoy Tim Shortley, Special Assistant Miriam Estrin, and Pol-Econ Counselor.

Meles: U.S. No Longer Part of the Sudan Problem

¶3. (C) Meles broached the subject of the newly announced U.S. policy on Sudan, saying, "I understand the basic thrust of the new strategy and I am very pleasantly surprised at the speed and scope of the modification." He said that, in the past, the USG "was seen to be cutting off a possible soft landing due to the moralizing of the U.S. and others, and we were heading towards an implosion in Sudan. With this new policy, we have an opening and the U.S. is no longer part of the problem."

¶4. (C) Meles offered Gration advice on how the revised U.S. policy might be leveraged to make Washington a force for peace. Drawing a sharp contrast between the governing capacity of political leaders in the north (National Congress Party) and south (Sudan People's Liberation Movement), he said, "The key to progress is the north. They have leadership and can make decisions. Leaders in the south are incapable of making decisions, so there is no question of making good or bad decisions."

¶5. (C) Meles believes this north/south leadership gap provides a way forward for the U.S. in Sudan. He suggested that the U.S. broker a deal with the north and convince the south to accept it. Playing such a role, he added, would require the U.S. to thoroughly appreciate the limits of its own powers and the different perceptions of the U.S. held by Sudanese leaders in the north and south. He said the U.S. should realize that it "can stop an agreement but cannot impose one."

¶16. (C) Regarding the northern leadership, Meles said, "The only card any country has to play with Sudan is normalization." He added that the U.S. naturally "wants certain things for normalization while some other countries want the U.S. to use this card to protect their interests rather than yours." He said the U.S. should enter any dialogue with NCP leaders fully aware that the north tends to hold seemingly inconsistent views of U.S. On the one hand, they fear and distrust the U.S., seeing it as a deceitful superpower that for a decade victimized Sudan by blowing the Darfur situation out of proportion in order to renege on its commitments under the Comprehensive Peace Agreement while, on the other hand, they underestimate the U.S. and overestimate their strength. He said some northern movements believe Sudan to be a superpower, and dismiss the U.S., because they have faith that God is on their side and that the time has come "for God to pay dividends with interest." He added that "we will talk to them to try to get them to come down to earth."

¶17. (C) Meles' soundings of southern leaders convinces him that they believed the previous U.S. administration would eventually "give them independence on a silver platter" and that they are now fearful that the new administration is more interested in appeasement. He recommended the U.S. have a frank dialogue with southern leaders, explaining what any U.S. administration can and cannot do for them and describing concessions they would have to make along the way, such as accepting a linkage at some stage between referendum and post-referendum issues. Meles said a way has to be found to address SPLM fears that have arisen from their own

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ineffectiveness. Ultimately, he said, "you have to make their decisions for them."

¶18. (C) Shortley said that the S/E's negotiations with the NCP are often frustrating in that the Sudanese "want the carrots up front and the U.S. can't do that." Meles replied that "it's hard to teach an old dog new tricks," suggesting that the African Union might prove useful in this regard. He said the NCP had taken in recent years to hiding behind the AU because the U.S. position was not seen as productive. With the U.S. policy shift, he said the AU might now actively promote new ideas -- such as compromise on an election law -- as they emerge, effectively "providing the U.S. cover like IGAD did when the CPA was being negotiated."

¶19. (C) Meles then pointedly said the "U.S. also must learn new tricks, like patience," adding that "your timelines are all too fast," which he attributed to some corners of the USG continuing to harbor anti-NCP sentiments. Gration replied that some timelines are externally imposed, in particular by the elections schedule.

Meles: Hybrid Courts Will Be Tough Sell In Khartoum

¶10. (C) Gration asked Meles how the October 29 Mbeki Report to the African Union on Darfur will be received and implemented, and Meles replied at length. He said the idea behind the Mbeki panel was to find a watered-down alternative to the International Criminal Court (ICC) for prosecution of Darfur war crimes allegations that would satisfy the United Nations Security Council (UNSC). He said Khartoum had encouraged that effort in the belief that Mbeki would leave the structure of any courts open to AU-Sudan negotiation. He said Mbeki had disappointed Khartoum by proposing hybrid AU-Sudan courts in the belief that Sudan's courts had been so discredited that the specter of those courts trying those cases, even with AU assistance, had to be removed.

¶11. (C) Gration asked whether the Mbeki Report would be interpreted by African leaders to contemplate Sudan President Bashir being tried before a hybrid court instead of the ICC

or whether hybrid courts would consider only new cases. Meles said the AU Peace and Security Council was hopeful that the report would shift focus from the Bashir case to reform of the Sudanese judiciary and to the prosecution of other high-level indictees. He thought the UNSC would want to accept the report.

¶12. (C) On the Bashir case, Meles said "the ICC will not get Bashir, maybe dead but not alive." To Gration's question about a court being established in Addis or Dar es Salaam with links to the ICC but independent of it, Meles replied that most African states would never support the concept. He said, "There is too much water under the bridge. This didn't begin with Bashir but with Charles Taylor. Taylor was given guarantees by Nigeria and the AU that Nigeria was to honor and then Nigeria was told 'tough luck.' There is no love for Taylor, but no-one forgets how this was handled." He said the ICC has less and less support within the AU because the ICC "is shooting itself in the foot" by running to the press to discuss every atrocity in Africa. He added that the AU will not support the ICC indictment (of Bashir) and that Khartoum could garner some AU member support, the AU endorsement of the Mbeki Report notwithstanding, for opposing the creation on the ground of the Mbeki hybrid courts.

¶13. (SBU) Special Envoy Gration cleared on this message.
MEECE